

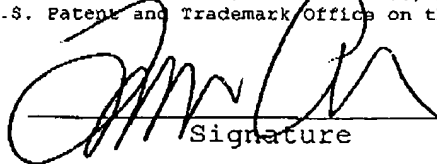
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GR 00 P 12246

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SignatureOctober 30, 2006
DateIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No. : 09/883,817 Confirmation No. 2567
Applicant : Jens Barrenschenn, Wilhard Von Wendorff
Filed : June 18, 2001
Title : Method Of Transmitting Data Between Devices
Connected Via A Bus, And Device For
Connection To Other Devices Via A Bus
Group Art Unit : 2112.0
Examiner : Clifford H. Knoll

Docket No. : GR 00 P 12246
Customer No. : 24131

REPLY BRIEF**Mail Stop Appeal Brief - Patents**

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S i r :

This is a *Reply Brief* responding to the *Examiner's Answer*
mailed August 30, 2006.

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Remarks:

Appellants reallege and incorporates herein the arguments made in its Second Supplemental Brief on Appeal, filed on June 15, 2006, relating to claims 1, 7, 24, 30, 93 and 94.

Further, Appellants comment as follows with respect to the Examiner's Answer dated August 30, 2006:

In item (10) of the Examiner's Answer, pages 7 - 8, the Examiner stated, in part:

Regarding claim 1, Appellant argues that Deng does not disclose "transmission of such 'units' or frames having a period defined by the frame sent by a first device within which second devices to which the data does not concern and third devices to which the data does concern" and that receivers "intended to receive" and "not intended" to receive" output information "during a period of the frame sent by the sender" (p. 12, emphasis original).

However, nowhere in the claims are "frames" recited. Specifically, claim 1 recites, "forming the units at least partly with at least one region defining a given time slot within which the second and third devices can output onto the bus specific information and/or data" (claim 1).

Appellants' respectfully disagree that "**nowhere** in the claims are 'frames' recited". First, Appellants' claims 8 and 31 recite, among other limitations:

wherein the units for transmitting the data and the information concerning the transmission or the use of the data are **frames**. [emphasis added by Appellants]

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As such, there are claims in this appeal that recite "frames".

Further, the point of Appellants argument relates to the use in claims 1, 24, 93 and 94 of the term "units" (i.e., "Deng does not disclose 'transmission of such 'units' or frames having a period defined by the frame'"). Page 16 of the instant application, lines 1 - 8, discuss the claimed "units" as follows:

The aforesaid units in which the data to be transmitted is transmitted together with information that is required or useful for the transmission and/or the use of the data and/or further information, are, for example, the frames or messages which are known from already existing bus systems. However, the frames or messages which are used in the method in question here have a structure different from conventional frames or messages.

An example of the structure of a frame or a message which is used in the method in question here is illustrated in Fig. 2. [emphasis added by Appellants]

Fig. 2 of the instant application is reproduced herebelow, for convenience.



FIG 2

As such, it can be seen from the foregoing, that the "units" of Appellants' claims, are Appellants' **particularly structured**

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frames or messages, as shown in Fig. 2. Further, contrary to the statement in the Examiner's Answer, Appellants' claims recite, among other limitations, **transmitting, in units, data and information** As can be seen, the "units" (i.e., "for example, the frames or messages") of Appellants claims are of a defined format, such as the format shown in Fig. 2 of the instant application, including **data and information, as** required by Appellants' claims.

The frame-like/message-like **structure** of Appellants' claimed units, is also emphasized by the further language of Appellants' claim 1, which recites, among other limitations:

forming the units at least partly with at least one region defining a given time slot within which the second and third devices can output onto the bus specific information and/or data; [emphasis added by Appellants]

Appellants' independent claims 24, 93 and 94 recite a similar limitation.

As with frames and messages, Appellants' independent claims 1, 24, 93 and 94 requires the structure of the claimed units to include regions, and more particularly, at least one region defining a given time slot within which the second and third devices can output onto the bus specific information and/or data. As such, Appellants' claims make it clear that the

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claimed "units" are structured messages or frames including regions. Such "units", as claimed by Appellants, are neither taught, nor suggested by **DENG** or **LEVY**.

Rather, on page 8 of the Examiner's reply, second - third paragraphs, the Examiner emphasizes that he is analogizing the "sub-action gap" of **DENG**, and not the "ack-gap" of **DENG**, to Appellants "units" formed to include at least "one region" defining a given time slot within which the second and third devices can output onto the bus specific information and/or data. Appellants respectfully disagree.

The "sub-action gap" of **DENG** is not a region included in the structure of a unit of **DENG**, as required by Appellants' claims (i.e., "forming the units at least partly with at least one region . . ."). That the claimed "region" is a field of the "unit", is not only believed to be made clear by the language of the claim, it is also supported in the instant application, on page 16, lines 13 - 16, which state:

This frame or this message comprises a synchronization field SYN, an identifier field ID, a control field CTRL, a data field DATA, an error detection field CRC, and a reply field REPLY. [emphasis added by Appellants]

The "sub-action gap" of **DENG** is not formed as a region of a unit, as required by Appellants' claims. In contrast to

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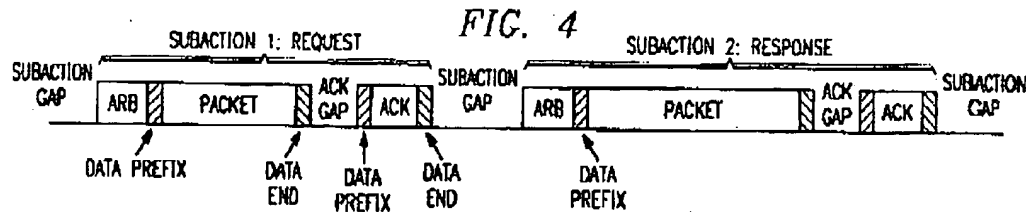
Appellants' belief, the Examiner stated, on pages 8 - 9 of the Examiner's Answer, in part:

It is the Examiner's determination that the subaction gap is a region of the units formed. Although Appellant attempts to distinguish these regions as "periods of idle bus" as Deng refers to them, Examiner determines that they are necessarily periods of idle time since this region is formed specifically to allow other devices other than the first (transmitting) device to themselves transmit.

Appellant further relies on the placement of brackets used in rendering a Figure: "Note in Fig. 4 of DENG the brackets delimiting subaction 1 from subaction 2, do not include the subaction gap" (p. 14); however Examiner contends that the bracket delimits a "request" subaction that is one of the regions, while at least the "subaction gap" and perhaps the "response" subaction are other regions of the unit formed (the Examiner relies only on subaction 1 and the subaction gap regions). There is no support in the claims that would distinguish from this interpretation for the recited formed "units".

Appellants respectfully disagree with the Examiner's interpretation of the sub-action gap of DENG. The **brackets**, upon which the Appellants believe show that the subaction gap is **not part of the units of DENG** (i.e., DENG states, in col. 4, lines 51 - 52, "One link layer transfer is called a 'subaction'") are shown in Fig. 4 of DENG, reproduced herebelow, for convenience.

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Appellants' maintain that, if the the subaction gap was a region of the units of DENG, it would be shown as being part of the units of DENG, and be represented in Fig. 4 as being included in the brackets over subaction 1 and subaction 2, as appropriate. That the subaction gaps are not included in the brackets of Fig. 4 of DENG, indicates that they are **not part of** (i.e., a region in) the subactions (i.e., units) of DENG. This is further supported by the specification of DENG, which states in col. 6 of DENG, lines 44 - 46:

Each of these asynchronous subactions is separated by periods of idle bus called "subaction gaps." This gap is disposed between the packet transmission and acknowledgment reception. [emphasis added by Appellants]

A gap "disposed between" packets is not the same as forming units with "at least one region" defining a given time slot for reply by second and third devices, as required by Appellants' claims. DENG makes clear that the subaction gaps are disposed between, and not, part of, the transmitted packets. As such, the subaction gaps of DENG does not teach or suggest, forming the units at least partly with at least

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one region defining a given time slot within which the second and third devices can output onto the bus specific information and/or data, as required by Appellants' claims.

Further, page 11 of the Examiner's Answer states, in part:

Regarding claims 24, 93 and 94, Appellant argues that Deng does not disclose "'units' sent by a first device including predefined time periods in the unit/frame during which both devices for which the message concerns / is intended and devices for which the message does not concern / is not intended output information" (pp. 20-21); however, as treated supra, Deng teaches these time periods ("subaction gaps").

As discussed above, Appellants have shown that the **subaction gap of DENG** is not a region formed in the units of DENG, as required by all of Applicants' claims (including independent claims 1, 24, 93 and 94), and that **DENG** does not teach or suggest this limitation of Appellants' claims, among others. Appellants incorporate herein the further arguments and remarks distinguishing Appellants' claims from **DENG**, as set forth in the Second Substitute Brief on Appeal, filed in connection with the instant Appeal.

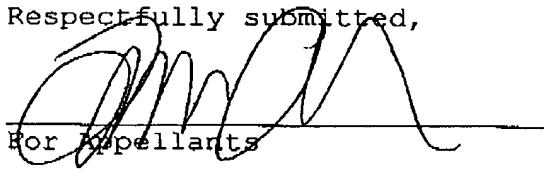
Based on the above given arguments the honorable Board is therefore respectfully urged to reverse the final rejection of the Primary Examiner.

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Respectfully submitted,



For Appellants

October 30, 2006

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